

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

February 14, 2003

(Published February 22, 2003, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
February 14, 2003 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, President Ostrow.

Lilligren moved acceptance of the minutes of the regular meeting held January 31 and the adjourned session held February 5, 2003. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COORDINATOR (268552)

Focus Minneapolis Initiative: Receive and File Status Report.

COMMUNITY DEVELOPMENT (See Rep):

MAYOR AND COUNCIL PRESIDENT (268554)

Minneapolis Public Housing Authority Board of Commissioners: Approve mayoral appointments.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COORDINATOR (268553)

Empowerment Zone Funds: Authorize use of funds by Hope Community, Inc. for the Children's Village Center Project.

PLANNING COMMISSION/DEPARTMENT (268555)

Marcy Holmes Neighborhood Gateway: Agreement with MCDA.

HEALTH AND HUMAN SERVICES:

HEALTH AND FAMILY SUPPORT SERVICES (268556)

SHAPE (Survey of the Health of Adults, the Population, and the Environment) 2002 Survey: Report on survey results.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (268557)

Qwest Dislocated Worker Grant: Execute Modification #1 to Grant Agreement with Minnesota Department of Trade and Economic Development to extend performance period to December 31, 2003.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (268558)

Master Contract with Hennepin County: Execute five-year contract with Hennepin County for services in areas of employment & training, health/medical services, and human/social services; and Authorize staff to issue Fund Availability Notices when project funds become available.

INTERGOVERNMENTAL RELATIONS:

INTERGOVERNMENTAL RELATIONS (268559)

President's Budget Request for Fiscal Year 2004.

State of MN FY 2003 Reductions re General Fund.

Updated FY 2004 Federal Legislative Agenda (Original Petn No. 268526).

INTERGOVERNMENTAL RELATIONS (See Rep):

REGULATORY SERVICES (268560)

Xcel Energy's Proposed Selection of Emission Reduction Projects & Rate Rider: Comments of City of Mpls as pertains to conversion of Xcel's Riverside Plant from coal to natural gas.

Crown Hydro Company: Motion to Intervene & Comments of the City of Mpls re hydropower project at St. Anthony Falls.

PUBLIC SAFETY AND REGULATORY SERVICES:

CRIMNET (268561)

CriMNet: Status Report.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (268562)

Villa Mimi Deli (1120 Lowry Av N): Grant Provisional Food Manufacturer License, subject to conditions.

Licenses: Applications.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (268563)

State and Local Supplemental Appropriation Planning Grant: Accept grant award of \$87,415.59 from Minnesota Department of Public Safety to develop new Emergency Operation Plans and to enhance existing EOPs for all hazards with special emphasis on weapons of mass destruction terrorism preparedness; Execute sub-recipient agreements; and Approve appropriation.

State Citizen Corps Grant: Accept grant award of \$63,575 from Minnesota Department of Public Safety for development of Community Emergency Response Team, Neighborhood Watch and CERT Teams and other Community Citizen Corps Programs; Execute sub-recipient agreements; and Approve appropriation.

POLICE DEPARTMENT (268564)

Collaborative Leadership Project: Amend contract with Police Executive Research Forum to extend grant period to April 30, 2003 to allow more time to expend the total grant award for continued community outreach.

Bomb Disposal Services: Execute Joint Powers Agreement with Minnesota Department of Public Safety to provide bomb disposal services to other jurisdictions within State, and to provide training and equipment funding to support Bomb Disposal Unit; and Approve appropriation.

POLICE DEPARTMENT (268565)

Juvenile Justice Title II Grant: Accept grant award of \$43,000 and execute grant agreement with Minnesota Department of Economic Security to fund sub-recipient Police Athletic League to reduce juvenile delinquency through recreational and academic program activities; and Approve appropriation.

ChoicePoint Auto Track: Amend contract with ChoicePoint to increase funding by \$24,000 and extend performance period to December 31, 2003 for Police Department investigator access to national database information to locate and identify suspects in crimes, known associates, and addresses, phone numbers and vehicles.

Enhanced Investigation of Domestic Violence Incidents and Increased Advocacy for Domestic Violence Victims: Transfer \$180,733 in grant funds from Police Department to City Attorney's Office to support City Attorney position assigned to Family Violence Unit.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

COORDINATOR (268568)

Appointment of Charter Department Head: Concur w/Mayor's nomination of Klara Fabry as City Engineer for an unexpired term beginning February 18, 2003, and ending January 1, 2004.

PUBLIC WORKS AND ENGINEERING (268569)

Asphalt Plant Venture: Approve operation for 2003 construction season.

Mpls Fire Dept, Station #6: Authorize change order, increase in contract with Lund Martin Construction.

Hennepin County's Washington Av N Reconstruction Project: Approve Resolution amendments to City/County Construction Cooperative

Encroachment permit: Opus Corporation on behalf of St Thomas University.

Quit Claim Deed: Clear title to a vacated alley, 320 Lake St.

SENIOR OMBUDSMAN (268570)

Deferment of Special Assessment: Applications of the following: Ted A. Herber, 3104 Oakland Av S; Della Maddox, 4355 5th Av S; and Emma Lee Dillard, 4021 Chicago Av S.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268566)

Heritage Park Infrastructure: Resolutions appropriation of funds and execution of agreements relating to funds.

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268567)

Scrap Metal Processors, Inc.: Execute purchase agreement for public right-of-way within the Heritage Park Project.

PUBLIC WORKS AND ENGINEERING (268571)

2003 DNR Grant Application: Approval of two DNR applications for grant funds from DNR's 2003 Local Trail Connections Grant Programs; and matching funds.

Royalston Av from Glenwood Av to 5th Av N: Appropriation increase for the Royalston Av. Bridge; and requesting Bd of Est. to redesignate the bonds from the Harrison Renovation Project to Royalston Av Bridge.

Chain of Lakes Water Quality Improvement: Amending Resolution to increase appropriation.

Bid: Accept OP #6002, low bid of MGS Professional Building Maintenance Inc for window cleaning service in the amount of \$30,000.

WAYS AND MEANS BUDGET:

ATTORNEY (268572)

2003 Work Plan for the City Attorney's Office.

Fort Snelling Athletic Field: Update on litigation.

HUMAN RESOURCES (268573)

Diversity in the Workplace - 2002 Year-End Employee Utilization Report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (268574)

Legal Settlements: Claims of Anita Ernst and Anthony Leone.

CONVENTION CENTER (268574.1)

Bid: Accept bid of Electronic Design Company for reinstallation of speaker cabinets at the Minneapolis Convention Center.

COORDINATOR (268575)

New Central Library Project: Change Order #3 to contract with C.F.Haglin and Sons, Inc.; Small and Underutilized Business Program Goals, Procedures and Assistance Program.

FINANCE DEPARTMENT (268576)

Utility Billing Insert: Place insert in March 2003 billing for the Center for Energy and Environment announcing the availability of home improvement loans.

HUMAN RESOURCES (268577)

Reclassification of Positions: Public Health Social Worker II and Facilities Supervisor (Property Services).

Police Union Labor Contract: Ratification of three-year contract with Minneapolis Police Officers Federation.

ZONING AND PLANNING:

PLANNING COMMISSION/DEPARTMENT (268578)

2003 Work Plan/Business Plan.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (268579)

Appeal:

Keegan's Pub (16 University Ave NE): Appeal of decision denying Certificate of Appropriateness for a second sign.

PLANNING COMMISSION:

SKYWAY EVENT SERVICES (268580)

Permsn to vacate NE quadrant of Hennepin Av E and Stinson Blvd contiguous to the SW border of 1809 E Hennepin.

FILED:

CITY CLERK/SPECIAL PERMITS (268581)

10th Ave S, 2815 (Project for Pride in Living) move house;

Lake Calhoun, North Beach Area (Carol Fox) horse drawn hayrides;

University Ave NE, 2425 (Attracta Sign) sign;

13th Ave NE, 229 (Sign Solutions) sign;

Chicago Ave, 1900 (Serigraphics Sign Systems) sign;

Oak Grove St, 330 (Pyramid Sign Ltd) sign;

7th St S, 23 (Lawrence Sign, Kerri Burrier) sign.

XCEL ENERGY (268582)

Xcel Energy / NSP: Installation of various poles.

REPORTS OF STANDING COMMITTEES

The **CLAIMS** Committee submitted the following reports:

Claims - Your Committee, having under consideration a claim filed against the City by Daniel E. Ekstedt, 9115 Yucca Lane North, Maple Grove, MN, regarding vehicle damage, now recommends payment of \$294.29 to Mr. Ekstedt.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.
Approved February 20, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

Claims - Your Committee, having under consideration a claim filed against the City by St. Michael's Ukrainian Orthodox Church, 6505 4th Street Northeast, regarding property damage, now recommends payment of \$2,500.

Adopted. Yeas, 13; Nays none.
Passed February 14, 2003.
Approved February 20, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

Claims - Your Committee, having under consideration a claim filed against the City by Tim Seifert, 2609 E. 22nd Street, regarding missing property, now recommends payment of \$159.95 to Mr. Seifert.

Adopted. Yeas, 13; Nays none.
Passed February 14, 2003.
Approved February 20, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** Committee submitted the following report:

Comm Dev - Your Committee recommends concurrence with the Mayoral appointment of the following persons to serve on the Minneapolis Public Housing Authority (MPHA) Board, for the terms indicated:

- a) Mark Manbeck, replacing Thomas Hansen for the remainder of a three-year term to expire December 31, 2004; and
 - b) Judy A. Karon, for a three-year term to expire December 31, 2005.
- Adopted. Yeas, 13; Nays none.
Passed February 14, 2003.
Approved February 20, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee, having under consideration the use of federal Empowerment Zone (EZ) funds by Hope Community, Inc. for the Children's Village Center Project, in the amount of \$55,000, and having approved said use of funds by Council action of August 23, 2002, now recommends concurrence with the recommendation of the Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage of the accompanying resolution amending the 2003 MCDA Appropriation Resolution, increasing the appropriation in Fund FEZ0 (Federal Empowerment Zone) by \$55,000.

Adopted. Yeas, 13; Nays none.
Passed February 14, 2003.
Approved February 20, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 2003R-035
By Goodman and Johnson

Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund FEZ0 by \$55,000 from the projected fund balance, and increasing the revenue budget in Fund FEZ0 (3210-08 Federal Funds - Housing and Urban Development Grants) by \$55,000.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of Neighborhood Revitalization Program funds, in the amount of \$7,800, for completion of the Marcy Holmes Neighborhood Gateway Project.

Your Committee further recommends that the proper City officers be authorized to execute a funding agreement with the Minneapolis Community Development Agency for said project, for the period from December 1, 2002 through December 31, 2003.

Your Committee further recommends passage of the accompanying Resolution amending the 2003 Capital Improvement Appropriation Resolution by increasing the Capital Improvement - Non-Departmental Agency appropriation and revenue estimate in the Grants - Other Fund by \$7,800 for the Art in Public Places Program.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2003R-036
By Goodman and Johnson

Amending The 2003 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the Capital Improvement - Non-Departmental Agency appropriation in the Grants - Other Fund (0600-970-9707) by \$7,800, and increasing the revenue estimate in the Capital Improvement - Non-Departmental Agency in the Grants - Other Fund (0600-970-9707-Source 3840) by \$7,800 for the Art in Public Places Program.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** Committee submitted the following report:

H&HS - Your Committee, having under consideration the Qwest Dislocated Worker Grant, now recommends that the proper City Officers be authorized to execute modification #1 to Grant Agreement #1108601 with the Minnesota Department of Trade and Economic Development to extend the performance period to December 31, 2003.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute a five-year Master Contract with Hennepin County, in an amount not to exceed \$7,000,000 for the period January 1, 2003 through December 31, 2007, for services in the areas of employment and training, health/medical services, and human/social services. Further, that staff be authorized to issue Fund Availability Notices when project funds become available up to the total amount of said Master Contract.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following reports:

IGR - Your Committee, having under consideration Xcel Energy's Proposed Selection of Emission Reduction Projects and Rate Rider, in particular as it pertains to the conversion of Xcel's Riverside Plant from coal to natural gas, now recommends approval of the Comments of the City of Minneapolis, as set forth in Petn No 268560, and that the City Attorney be authorized to submit said Comments to the Minnesota Public Utilities Commission.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

IGR - Your Committee, having under consideration the Application to the Federal Energy Regulatory Commission for Amendment of License of Crown Hydro Company to change the project design and project boundary due to proposed relocation of the powerhouse for their proposed hydropower project at Saint Anthony Falls, now recommends approval of the Motion to Intervene and Comments of the City of Minneapolis, as set forth in Petn No 268560, and that the City Attorney be authorized to submit the same to the Federal Energy Regulatory Commission.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, having under consideration the application of Masoud G El-Karim, dba Villa Mimi Deli, 1120 Lowry Av N, for a Food Manufacturer License (new proprietor) to expire April 1, 2003, now recommends that a Provisional License be granted, subject to the following conditions:

- a. the licensee agrees not to install any pay phones inside or outside the store.
- b. the licensee will call Officer Judy Perry to schedule a formal security survey.
- c. the licensee shall voluntarily comply with the Surveillance Camera Ordinance. All cameras will have recording devices and Officer Perry will assist with the proper placement.
- d. "No Trespassing" signs will be posted by February 3, 2003. Staff will immediately ask people loitering to leave, and if they refuse, staff will call 911 and cooperate with police once they arrive.
- e. Mustafa Ragab will not be employed by the business until he is able to provide Licenses & Consumer Services with proof of his right to work in the United States.
- f. Licenses & Consumer Services will be informed of expansions of staff as they occur, and Workers' Compensation insurance will be in force for all employees of the business.
- g. all lights will be kept properly functioning, and the licensee will add lights, if recommended by Officer Perry.
- h. noise from the business and vehicles will be kept to a minimum.
- i. the property will be kept clean of litter and trash daily, including the area within 100 feet of the property lines.

- j. all windows will be free of signs and other items that block the view in and out of the business.
 - k. the licensee agrees to remove all old or faded signs from the exterior, and to keep signs and banners hung straight with all corners fastened.
 - l. the licensee shall comply with all Environmental Health orders.
 - m. the licensee shall comply with all Zoning Site Plan requirements and deadlines for completing work.
 - n. the licensee shall pay all fees and fine by their due dates.
 - o. final inspection and compliance with all provisions of applicable codes and ordinances.
- Adopted. Yeas, 13; Nays none.
Passed February 14, 2003.
Approved February 20, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting the following applications for liquor, wine and beer licenses:

On-Sale Liquor Class A with Sunday Sales, to expire January 22, 2003

International Catering Inc, dba Atrium Cafe, 275 Market St (January 22, 2003, 6:30 p.m. to 11:00 p.m., The Meta Institute);

On-Sale Liquor Class A with Sunday Sales, to expire February 1, 2003

International Catering Inc, dba Atrium Cafe, 275 Market St (February 1, 2003, 6:00 p.m. to 1:00 a.m., Minnesota Medical Foundation);

On-Sale Liquor Class A with Sunday Sales, to expire February 6, 2003

International Catering Inc, dba Atrium Cafe, 275 Market St (February 6, 2003, 5:00 p.m. to 1:00 a.m., Minnesota World Trade Association);

On-Sale Liquor Class A with Sunday Sales, to expire February 10, 2003

International Catering Inc, dba Atrium Cafe, 275 Market St (February 10, 2003, 5:00 p.m. to 10:00 p.m., Safari Club);

On-Sale Liquor Class A with Sunday Sales, to expire February 11, 2003

International Catering Inc, dba Atrium Cafe, 275 Market St (February 11, 2003, 3:45 p.m. to 10:00 p.m., NARI);

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2003

Lake & Hennepin BBQ & Blues Inc, dba Famous Dave's, 3001 Hennepin Av (temporary expansion of premises, February 6, 2003, 6:00 p.m. to 9:00 p.m.);

Temporary On-Sale Liquor

Minnesota Restaurant Association, dba Minnesota Restaurant Association, 305 E Roselawn Av, St. Paul (February 23, 2003, 11:00 a.m. to 5:00 p.m.; February 24, 2003, 11:00 a.m. to 5:00 p.m.; and February 25, 2003, 11:00 a.m. to 4:00 p.m. at Minneapolis Convention Center; Licensed Facilitator: Kelber Catering).

Adopted. Yeas, 12; Nays none.

Declining to Vote - Benson.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of February 14, 2003, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 268562):

Billboard Erector; Bill Posting & Sign Painting; Bill Posting, Sign Painting & Hanger; Courtesy Bench; Dry Cleaner - Flammable; Dry Cleaner - Non-flammable; Dry Cleaning & Laundry Pickup Station; Laundry; Confectionery; Grocery; Food Manufacturer; Meat Market; Restaurant; Short Term Food Permit; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Oil Burner

Installer; Commercial Parking Lot Class A; Pawnbroker Class A; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Exhibition Operator Class A; Secondhand Goods Class B; Sign Hanger; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Combined Trades; Tree Servicing; Wrecker of Buildings Class A; and Wrecker of Buildings Class B.

Adopted. Yeas, 12; Nays none.

Declining to Vote - Benson.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Lawful Exempt

Metropolitan Boys Choir, dba Metropolitan Boys Choir, PO Box 19348 (Raffle April 27, 2003 at Orchestra Hall, 1111 Nicollet Mall);

Pope John Paul II Catholic School, dba Pope John Paul II Catholic School, 1630 4th St NE (Bingo, raffle, paddlewheel, pulltabs & tipboards April 27, 2003);

Minnesota Chorale, dba Minnesota Chorale, 528 Hennepin Av (Raffle May 9, 2003 at Orchestra Hall, 1111 Nicollet Mall);

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Bingo, raffle & pulltabs April 6, 2003 at Kolbe Hall, 1630 4th St NE);

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Raffle & pulltabs March 4, 2003 at Kolbe Hall, 1630 4th St NE);

Life Design Education, dba Life Design Education, 3033 Excelsior Blvd (Raffle February 16, 2003).

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the Grocery, Food Manufacturer and Meat Market Licenses held by Franklin Market Inc, dba Franklin Market, 1517-19 E Franklin Av, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing for violations of the Food Code and for violating recommendations of a previous TAC agreement in 2002, now recommends adoption of the following recommendations, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. that all recommendations contained in the April 30, 2002 TAC agreement shall remain in effect unless changed under the current recommendations.

b. the licensee must take responsibility to implement and maintain necessary food safety standards to ensure the safety of the public. Disregard for Food Code and safety standards and failure to comply with the provisions of the Minnesota Food Code and Minneapolis Ordinances could warrant a revocation of the current license. The person in charge (Certified Food Manager) must be available to maintain the standards in day-to-day operations.

c. Employees must be able to demonstrate knowledge of food safety at all times. Licenses & Consumer Services strongly recommends that Franklin Market hire a professional food safety consultant to assist in the operation of the business in order to minimize the number of critical violations to an acceptable level of three critical or six non-critical violations in two consecutive inspections.

d. the licensee shall pay the following administrative fines:

- a stayed amount of \$750;

- \$300 for the four critical violations from the September inspection;

- \$2,000 in administrative fines due to failure to comply with the previous TAC agreement, the excessive Food and Beverage Code violations, and the increased number of inspections by Environmental Health.

e. the licensee shall pay inspection fees in the amount of \$100 per hour on any future inspection required.

Adopted. Yeas, 12; Nays none.

Declining to Vote - Benson.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the Grocery and Tobacco Licenses held by Barghouti Corporation, dba Ventura Village Food Market, 814 E Franklin Av, and having received Findings of Fact, Conclusions and Recommendations arising from the licensee pleading no contest to a felony charge for receiving and concealing stolen property, now recommends that the administrative hearing to be held before an administrative law judge shall be dismissed if the following stipulations are met, as more fully set forth in the Findings of Fact, Conclusions and Recommendations, on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee agrees to surrender his license within 30 days of signing the agreement, or February 28, 2003.

b. the licensee may continue operating Ventura Market until at such time the license for the new proprietor is approved by the City Council.

c. even if the licensee is not able to complete the sale of his store within 30 days, he agrees to surrender his licenses and cease operating at that time.

d. the licensee understands that he is agreeing to a surrender of his grocery and tobacco licenses, and that he will not be eligible for any other Minneapolis license for a one-year period.

e. the licensee attests that the sale of his business to the new proprietor is an "arms length" transaction.

Adopted. Yeas, 12; Nays none.

Declining to Vote - Benson.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the On-Sale Liquor Class A with Sunday Sales License held by Banana Joe's of Minnesota Inc, dba Banana Joe's Island Bar & Grill, 15 S 5th St, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing for violating the Minneapolis Code of Ordinances and State Statutes by serving alcohol to obviously intoxicated persons; serving alcohol to underage persons; not maintaining the legal occupancy of 850 persons; not reviewing security procedures or utilizing crowd control methods; and that security has repeatedly demonstrated its inability to adequately control crowds at Banana Joe's, now recommends that said Liquor License be suspended for a period of seven days, with three days being stayed for a period of 12 months from the effective date of the TAC Agreement, subject to the following conditions, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. that four days of the seven-day suspension be served on February 26, 27 and 28 and March 1, 2003.

b. that the licensee pay a fine of \$20,000 within 60 days of the effective date of the TAC Agreement.

c. that the licensee agrees not to exceed the maximum 850 person capacity unless the City agrees, in writing, to an increased occupancy level. Rules and procedures to ensure compliance with legal occupancy limits are the responsibility of the licensee and its management to implement and maintain.

d. the licensee will train all its employees at least quarterly in over-serving, management of alcohol consumption by patrons, sales to underage persons and other alcohol service issues. The training will be provided one or more alcohol awareness/loss prevention specialists approved by the Department of Licenses & Consumer Services.

e. the licensee agrees to provide training for all management and security personnel at least quarterly regarding effective communications, recognizing the signs of intoxication, dealing with inebriated persons, use of force, and effective crowd control inside and outside the business during all hours of operation, and at closing time.

f. the licensee agrees it will initiate and maintain twice weekly personal contact by their management team with the 1st Precinct, North Sector Command staff and Community Crime Prevention/SAFE staff to ensure complete and timely communication of planned events, problems or other circumstances that may effect the need for police services.

g. the licensee agrees to fulfill its responsibility under the 2001 TAC Agreement to maintain three on-site residential managers at its establishment and that it will report the names and addresses of each manager to the appropriate City officials. The licensee further agrees that two of these managers will be working at Banana Joe's every Friday and Saturday night, and it will, at all times, maintain and operate security that is adequate to ensure the safety and welfare of the business, its patrons and its employees.

h. the licensee agrees within 14 days of the effective date of the TAC Agreement to install, maintain and implement the use of electronic recording devices approved by the Police Department's Identification Division. Said devices will be set to capture the images of all surveillance cameras installed inside and outside of the business including, at a minimum, cameras that record all activity at every entrance and/or exit to the business. All recordings will be maintained for a minimum of 30 days and will be made available to the Chief of Police or his designee upon request.

i. the licensee agrees that no same or similar violations will occur at the licensed premises for a period of 12 months from the effective date of the TAC Agreement. If a same or similar violation occurs, the three-day stayed suspension will be imposed on a consecutive Thursday, Friday and Saturday, with the exact dates to be identified by the commander of the Minneapolis Police Department License Investigation Division.

j. this TAC Agreement shall not preclude any other adverse license action, including but not limited to suspension or revocation, for subsequent violations of this agreement or of any federal, state or local laws, ordinances or regulations.

Adopted. Yeas, 12; Nays none.

Declining to Vote - Benson.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a State Juvenile Justice Title II Grant award of \$43,000 and execute a grant agreement with the Minnesota Department of Economic Security to fund the sub-recipient Minneapolis Police Athletic League program to reduce juvenile delinquency through recreational and academic program activities during 2003.

Your Committee further recommends passage of the accompanying Resolution appropriating \$43,000 to the Police Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2003R-037

By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-E017) by \$43,000 and increasing the Revenue Source (030-400-E017 - Source 3210) by \$43,000.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute an amendment to Contract #018137 with ChoicePoint to increase the amount by \$24,000 and extend the performance period to December 31, 2003 for Police Department Investigator access to information from Auto Track, a national database used to locate and identify suspects in crimes, known associates and associated addresses, phone numbers and vehicles, payable from the Police Department General Fund (010-400).

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee, having received a grant award from the United States Department of Justice - Office of Justice Programs to fund police investigator overtime for enhanced investigation of domestic violence incidents and increased advocacy for domestic violence victims, now recommends passage of the accompanying Resolution transferring \$180,733 from the Police Department to the City Attorney's Office to alter the grant program to fund a City Attorney position assigned to the Department's Family Violence Unit.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2003R-038

By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

a. decreasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C105) by \$180,733;

b. increasing the Attorney Agency in the Grants - Federal Fund (030-140-1410) by \$180,733.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee, having received a grant of \$20,000 to support the Collaborative Leadership Project, a Police Department effort to reach out to the community, to develop new partnerships and share information, now recommends that the proper City Officers be

authorized to execute an amendment to the grant agreement with the Police Executive Research Forum to extend the grant period until April 30, 2003 to allow more time to expend the total grant award.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute a Joint Powers Agreement with the Minnesota Department of Public Safety - Emergency Response Commission for the Police Department to provide bomb disposal services to other jurisdictions within the State as needed. Said Agreement provides reimbursement for said services at a rate of \$150 per hour up to \$23,897, and \$58,460 for training and equipment.

Your Committee further recommends passage of the accompanying Resolution appropriating \$82,357 to the Police Department Agency to reflect receipt of said funds.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2003R-039

By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

- a. increasing the appropriation for the Police Department Agency in the General Fund (010-400-C005) by \$23,897 and increasing the Revenue Source (010-400-C005 - Source 3455) by \$23,897;
- b. increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-C001) by \$58,460 and increasing the Revenue Source (060-400-C005 - Source 3215) by \$58,460.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a State and Local Appropriation Planning Grant award of \$87,415.59 from the Minnesota Department of Public Safety, Division of Emergency Management, to develop new Emergency Operation Plans (EOPs) and to enhance existing EOPs for all hazards with special emphasis on weapons of mass destruction terrorism preparedness, and to execute any other sub-recipient agreements as necessary to implement the project.

Your Committee further recommends passage of the accompanying Resolution appropriating \$87,415.59 to the Fire Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2003R-040

By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Other Fund (030-280-2880) by \$87,415.59 and increasing the Revenue Source (030-280-2880 - Source 3210) by \$87,415.59.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Republished April 4, 2003)

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$63,575 from the Minnesota Department of Public Safety - Emergency Management for the development of the Community Emergency Response Team (CERT), Neighborhood Watch and CERT Teams, and other Community Citizen Corps Programs, and to execute any other sub-recipient agreements as necessary to implement the project.

Your Committee further recommends passage of the accompanying Resolution appropriating \$63,575 to the Fire Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2003R-041

By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Other Fund (060-280-2880) by \$63,575 and increasing the Revenue Source (060-280-2880 - Source 3215) by \$63,575.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee, having under consideration the Mayor's nomination and approval by the Executive Committee to appoint Klara Fabry to serve as the City Engineer for a term beginning February 18, 2003, and ending January 2, 2004, and having held a public hearing thereon, now recommends approval of said appointment.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration the appeal of Opus Corporation on behalf of St. Thomas University, now recommends denying the applicant's appeal request for an encroachment permit and ordering the removal of the earth retention system.

Your Committee now recommends, that said report be sent forward without recommendation. (Petr No. 268569)

Colvin Roy moved that the report be referred back to Committee. Seconded.

Adopted by unanimous consent.

T&PW - Your Committee, having received a report regarding the City's Asphalt Plant and responding to questions about operation of a joint venture asphalt plant with the private sector and having been informed that a joint venture operation can not be in place for 2003, now recommends that the proper City officers be directed to continue operation of the City Asphalt Plant for the 2003 construction season.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having considered the special assessment deferment applications submitted by the following individuals to defer special assessments for payable 2003 and subsequent years, now recommends that said applications be approved as provided for in Minnesota Statutes, Sections 435.193 to 435.195 and Resolutions 80R-365 passed August 8, 1980 and 93R-134 passed April 16, 1993:

a) Ted A Herbert (disability retirement), street lighting installation (Levy 01026, Project 2218L) in the principal amount of \$3,803.85, 3104 Oakland Avenue South, PID 02-028-24-22-0143;

b) Della Maddox (disability retirement), street lighting installation (Levy 01026, Project 2216L) in the principal amount of \$1,091.73, 4335 5th Avenue South, PID 10-028-24-41-0103; and

c) Emma Lee Dillard (senior citizen), sewer service line repair (Levy 01083, Project 03SWR) in the principal amount of \$3,542.45, 4012 Chicago Avenue South, PID 11-028-24-23-0145.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration Minneapolis Fire Department, Station No. 6, now recommends that the proper City officers be authorized to execute Change Order #1 to Contract #018678 with Lund Martin Construction, Inc. increasing the contract by \$105,800 for a new total of \$2,680,300.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee recommends passage and summary publication of the accompanying resolution authorizing Amendment #1 to the City/County Cooperative Agreement for the Washington Avenue North Reconstruction Project, to reflect corrections to the funding arrangements for traffic control signals.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2003R-042, amendment #1 to the City/County Cooperative Agreement for Hennepin County's Washington Avenue North Reconstruction Project, was passed February 14, 2003 by the City Council and approved February 20, 2003 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-042

By Colvin-Roy

Amendment #1 To The City/County Cooperative Agreement For Hennepin County's Washington Avenue North Reconstruction Project.

Whereas, on February 27, 2001, The City of Minneapolis entered into a Construction Cooperative Agreement with Hennepin County related to the County's reconstruction of Washington Avenue North (between Plymouth Avenue North to Hennepin Avenue) and;

Whereas, the reconstruction project included new pavement, curb & gutter, sidewalks, traffic signals, lighting, watermain and a new bridge over the Burlington Northern Santa Fe railroad tracks and;

Whereas, the agreement, among other things, defined the County's obligation to reimburse the City for permanent and temporary traffic control work that the City was to perform and;

Whereas, the agreement also defined the City's obligation to reimburse its share of the reconstruction as stipulated by County policy and to fund City requested water main construction and;

Whereas, during the County's construction administration of the contractor, several issues arose that have altered the City and County obligations and;

Whereas, the City's Water Department requested that additional water main construction be performed at the City's expense with an associated cost of \$132,609.42 and;

Whereas, the County requested, at County expense, that the City install additional temporary traffic control in effort to ease unanticipated congestion that developed during construction with an associated cost of \$25,166.09 and;

Whereas, during the review of the agreement's exhibits, it was discovered that the cost of a County requested, City furnished, traffic control signal system had been inadvertently duplicated which reduced the County's obligation to the City by \$168,819.33 and;

Whereas, the City Attorney office has reviewed and approved the amendment as to form and;

Whereas, current project funding is sufficient to meet the City's increased financial obligation.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis: that the proper City officers be authorized to execute Amendment No. 1 to the City's Cooperative Agreement with Hennepin County to reflect said project modifications.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration the vacated alley at 320 Lake Street East, now recommends that the proper City officers be authorized to execute a quit claim deed for the purpose of clearing the title to the following described land:

The North 12 feet of Lot 9, Block 1, F.A. Parker's Addition to the City of Minneapolis, Hennepin County, Minnesota.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration a recommendation from the Executive Director of the Minneapolis Community Development Agency (MCDA) that the proper City officers be authorized to execute a purchase agreement with Scrap Metal Processors, Inc. for

acquisition of land for public right-of-way within the Heritage Park Project by payment in the amount of \$3.1 million, now recommends that said request be sent forward without recommendation.

Colvin Roy moved to substitute the following report for the above report. Seconded.

Adopted by unanimous consent.

T&PW & W&M/Budget - Your Committee recommends approval of the recommendation from the Executive Director of the Minneapolis Community Development Agency (MCDA) that the proper City officers be authorized to execute a purchase agreement with Scrap Metal Processors, Inc. for acquisition of land for public right-of-way within the Heritage Park Project by payment in the amount of \$3.1 million.

Your Committee further recommends the following:

a) The current resources available to construct the Van White Memorial Boulevard segment south of 4th Avenue North are \$19,195,000. The current projected cost to construct that portion of Van White Memorial Boulevard is \$20,040,000, based on current design;

b) No City Capital dollars will be used to fill either the current projected gap of \$890,000 or any future projected gaps for the Van White Memorial Boulevard segment south of 4th Avenue North; and

c) The City encourages and supports staff efforts to seek out additional non-city resources for this segment of the Van White Memorial Boulevard as appropriate to fill gaps and to increase amenity levels.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration the Heritage Park Project and requesting appropriation of funds and execution of agreements relating to funding for infrastructure work for that project, now recommends:

a) That the proper City officers be authorized to execute an amendment to Agreement #14623 dated August 28, 1999 with SRF Consulting Group Inc., increasing said agreement by \$1,377,000 for contamination monitoring/clean-up, construction surveying, and street/utility/open space design/engineering and construction documents for open space and infrastructure components, using funds appropriated by this action;

b) That the proper City officers be authorized to make payment to Center Point Energy/Minnegasco (formerly Reliant Energy) in the amount of \$124,951.62 for 16" gas pipe relocation in Near Northside Redevelopment project Phase 1 area, per the Near Northside Redevelopment Stage 1 financing plan approved on August 25, 2000, from previously appropriated Section 108 loan/interim financing funds (to be reimbursed by 2003 tax increment bonds);

c) Passage of the accompanying resolutions providing for various appropriation increases relating to the receipt of funds for Heritage Park Project infrastructure work. (Petn No. 268566).

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2003R-043
By Colvin Roy and Johnson

Amending The 2003 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Transportation Capital Agency in the Permanent Improvement Projects

Fund (4100-970-9719) by \$850,000 and increasing the Heritage Park revenue source (4100-970-9719 - Source 3215) by \$850,000 for the Metropolitan Council Livable Communities Demonstration Account grant awarded November 13, 2002.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2003R-044
By Colvin Roy and Johnson

Amending The 2003 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-970-9719) by \$800,000 and increasing the Heritage Park revenue (4100-970-9719 - Source 3225) by \$800,000 for 2003 funding by the Mississippi Watershed Management Organization.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2003R-045
By Colvin Roy and Johnson

Amending The 2003 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-970-9719) by \$745 and increasing the Heritage Park revenue source (4100-970-9719 Source 3755) by \$745 for payments by bidders for plan drawings.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration two 2003 Minnesota Department of Natural Resources (DNR) grant applications, now recommends:

- a. That the proper City officers be authorized to submit two 2003 DNR grant applications on behalf of the Minneapolis Public Works Department, for grant funds from the DNR's 2003 Local Trail Connections Grant Program; and
- b. That local matching funds be committed to meet DNR requirements to support approved 2003 projects with awarded funds. This match will only be provided for projects budgeted for Public Works funds, or appropriate funding committed from outside sources.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having consideration reappropriation of funds for the fiber optic and interconnect work on Royalston Avenue from Glenwood Avenue to 5th Avenue North, now recommends passage of the accompanying Resolution reappropriating funds to the

Transportation Field Operations Capital Budget, and appropriating additional funds in the Permanent Improvement Project Fund.

Your Committee further recommends passage of the accompanying Resolution requesting that the Board of Estimate and Taxation to redesignate the bonds from the Harrison Renovation Project to Royalston Avenue Bridge in the amount of \$130,000.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2003R-046
By Colvin Roy and Johnson

Amending The 2003 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

The above entitled Resolution, as amended, be further amended as follows:

a. Decreasing the PW - Transportation Capital Agency in the Permanent Improvement Project Fund (4100-943-9440 B1665010) by \$57,000 and decreasing the revenue source (4100-943-9440 - Source 3215) by \$57,000;

b. Increasing the PW - Transportation Capital Agency in the Permanent Improvement Project Fund (4100-943-9440 B1693020) by \$57,000 and increasing the revenue source (4100-943-9440 - Source 3215) by \$57,000 to be reimbursed by County State Aid;

c. Increasing the PW - Transportation Capital Agency in the Permanent Improvement Project Fund (4100-943-9440 B1665010) by \$25,000 and increasing the revenue source (4100-943-9440 - Source 3220) by \$25,000 to be reimbursed by County State Aid;

d. Increasing the PW - Streets & Malls - Capital Agency in the Permanent Improvement Project Fund (4100-937-9386) by \$200,000 and increasing the revenue source (4100-937-9386 - Source 3880) by \$130,000, and revenue source (4100-937-9386 - Source 3215) by \$70,000; and

e. Decreasing the PW - Streets & Malls - Capital Agency in the Permanent Improvement Project Fund (4100-937-9372) by \$130,000, and decreasing the revenue source (4100-937-9372 - Source 3880) by \$130,000 for Net Debt Bonds from the Harrison Renovation Project.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Portion Republished April 2, 2003)

RESOLUTION 2003R-047
By Colvin Roy and Johnson

Requesting That The Board Of Estimate And Taxation Redesignate The Bonds From Harrison Renovation Project To Royalston Avenue Bridge.

Resolved by The City Council of The City of Minneapolis:

That the Transportation and Parking Services Division of the City of Minneapolis hereby requests that the net debt bonds in the amount of \$130,000 be redesignated to the Royalston Avenue Bridge Project.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee now recommends passage and summary publication of the accompanying Resolution authorizing the appropriation increase for the Chain of Lakes Water Quality Improvement Project - Phase II.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2003R-048
By Colvin Roy and Johnson

Amending The 2002 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by decreasing the PW - Sewer Construction - Capital Fund (7300-932-9322) T03 Street Renovation Program by \$358,000.

Be It Further Resolved that the 2001 project balances above be redesignated and appropriated to the PW - Sewer Construction - Capital Fund (7300-932-9322) SW006 Chain of Lakes Water Quality Improvements - Phase II.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee recommends acceptance of low bid received on OP #6002 (Petn No 268571) submitted by MGS Professional Building Maintenance Inc., in the amount of \$30,000, for window cleaning service, all in accordance with City specifications.

Your Committee further recommends that the proper City Officers be authorized to execute a contract for said project/service.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends concurrence with the recommendation of the City Attorney that the following lawsuits be settled:

a) Anita Ernst by payment in the amount of \$25,000 payable to Ms. Ernst and her attorney, Alan Milavetz.

b) Anthony Leone by payment of \$8,000 to Mr. Leone and his attorney, John Mariani.

Both settlements are payable from the Self-Insurance Fund (690-150-1500-4000).

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration the New Central Library Project, now recommends that the proper City officers be authorized to execute Change Order No. 3 increasing Contract #017994 with C. F. Haglin and Sons, Inc. by \$40,130, for a new contract total of \$1,028,246, payable from the project contingency funds.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.
Approved February 20, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that the Finance Department be authorized to place an insert with the March 2003 utility bills for the Center for Energy and Environment announcing the availability of below market energy and home improvement loans for Minneapolis residents, with waiver of any fee for the insert since the City will not incur any additional costs.

Adopted. Yeas, 13; Nays none.
Passed February 14, 2003.
Approved February 20, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends acceptance of the low bid received on OP #6016 (Petn No 268574.1) submitted by Electronic Design Company, in the amount of \$78,965, for removal and reinstallation of speaker cabinets at the Minneapolis Convention Center, all in accordance with City specifications.

Your Committee further recommends that the proper City officers be authorized to execute a contract for said project/service.

Adopted. Yeas, 13; Nays none.
Passed February 14, 2003.
Approved February 14, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.
(Published February 18, 2003)

W&M/Budget - Your Committee recommends approval of the recommendation of the Director of Human Resources to reactivate the classified position of Public Health Social Worker II in Grade 9 of the Social Services Promotional Line, effective November 12, 2002.

Your Committee further recommends passage and summary publication of the accompanying Salary Ordinance establishing the salary for said position.

Adopted. Yeas, 13; Nays none.
Passed February 14, 2003.
Approved February 20, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

Ordinance 2003-Or-020 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the reactivated position of Public Health Social Worker II, was passed February 14, 2003, by the City Council and approved February 20, 2003 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-020
By Johnson
1st & 2nd Readings: 2/14/2003

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes:

Minneapolis Professional Employees Association (MPEA)

Effective November 12, 2002

Job Code	Salary Grade	FLSA OTC	Classification title	P	6-Month rate	1st Step	2nd Step	3rd Step	4th Step	5th Step	6th Step	7th Step
	40	E1	Public Health Social Worker II	A	43,091	44,196	47,513	50,043	52,836	55,718	58,654	61,652

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends approval of the recommendation of the Director of Human Resources to classify a new position entitled Facilities Supervisor (Property Services) in Grade 9 of the Staff Assistance Promotional Line, effective September 9, 2002.

Your Committee further recommends passage and summary publication of the accompanying Salary Ordinance establishing the salary for said position.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2003-Or-021 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the newly classified position of Facilities Supervisor (Property Services), was passed February 14, 2003, by the City Council and approved February 20, 2003 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-021

By Johnson

1st & 2nd Readings: 2/14/2003

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes:

Minneapolis Professional Employees Association (MPEA)

Effective September 9, 2002

Job Code	Salary Grade	FLSA OTC	Classification title	P	6-Month rate	1st Step	2nd Step	3rd Step	4th Step	5th Step	6th Step	7th Step
	9	E1	Facilities Supervisor (Property Services)	A	45,418	46,582	50,101	52,750	55,746	58,712	61,856	64,970

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration the New Central Library Project and goals for Small and Underutilized Business Program (SUBP) participation in the project, now recommends concurrence with the New Central Library Project Implementation Committee that the project's SUBP goals be set at 12% for minority owned businesses (MBE) and 10% for women owned businesses (WBE), and further that the SUBP procedures and assistance program as outlined in Petn No 268575 be implemented.

Your Committee, having discussed goals for the employment of women and minorities in trade positions for the New Central Library Project and for City projects overall, further recommends that appropriate City staff be directed to:

a) Review current employment goals for the New Central Library Project and report back to the Ways & Means/Budget Committee at the next regular meeting; and

b) Concurrently, using U.S. Census data when that is available, staff should do a more thorough study on employment and report back to the Ways & Means/Budget Committee within 30 days for discussion of the City's overall goals.

Adopted. Yeas, 13; Nays none.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having received the recommendation of the Executive Committee for approval of a collective bargaining agreement between the City and the Minneapolis Police Officers Federation for a 36 month period, effective October 15, 2002 through October 14, 2005 (as outlined in Petn No 268577), now recommends:

a) Approval of the Executive Summary of said collective bargaining agreement;

b) That the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the Executive Summary;

c) That the Director of Human Resources be authorized to implement the terms and conditions of said collective bargaining agreement upon its execution.

Adopted. Yeas, 10; Nays, 2 as follows:

Yeas - Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Johnson, Colvin Roy, Schiff, Ostrow.

Nays - Zerby, Zimmermann.

Declining to vote - Samuels.

Passed February 14, 2003.

Approved February 20, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **ZONING & PLANNING** Committee submitted the following report:

Z&P - Your Committee, having under consideration the appeal of Keegan's Pubs, LLC, d/b/a Keegan's Pub, 16 University Ave NE, from the decision of the Heritage Preservation Commission (HPC) denying an application for Certificate of Appropriateness for a second sign, and having conducted a public hearing thereon, now recommends that the appeal be granted and that the Certificate be approved, notwithstanding the decision of the HPC, based on the following findings:

a) The sign is located on a new building, therefore, the sign does not cover any historic architectural elements, nor does the installation harm any historic building fabric;

b) The sign construction is of very high quality and is of an exceptional design that enhances the building and the area;

c) The sign materials, size and color are appropriate for the historic district; and

d) The tenant has multiple entrances and the sign is placed at the main entrance door as a marker.

Adopted. Yeas, 12; Nays none.

Declining to vote - Benson.
Passed February 14, 2003.
Approved February 20, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

MOTIONS

Lilligren moved that the January 2, 2002, actions organizing the City Council be amended as follows:

a) Adopt the 2003 City Council Committee Schedule and Members outlining committee meetings on a two-week cycle, as shown in Petn No 268580.1 on file in the office of the City Clerk; and

b) Approve the following appointments to various Boards and Commissions:

Association of Metropolitan Municipalities	Zerby, Samuels
Central Corridor Coordinating Committee	Zerby
City Labor Management Committee	Johnson, Niziolek, Ostrow
Committee on Urban Environment (CUE)	Benson
Convention Center Long Range Planning Committee	Johnson
Criminal Justice Coordinating Committee	Niziolek, Zerby
Downtown Transportation Management Organization	Schiff
Greater Minneapolis Convention and Visitors Assoc	Benson, Lane, Colvin Roy, Goodman, Johnson Lee, Ostrow
Hiawatha Corridor Management Committee	Colvin Roy, Schiff (alt.)
League of Minnesota Cities	Colvin Roy
Metropolitan Radio Board	Johnson Lee
Middle Mississippi River Watershed Management Organization (MMRWMO)	Ostrow, Zimmermann (alt.)
Minneapolis Planning Commission	Schiff
Minneapolis/St. Paul Family Housing Fund	Goodman, Schiff
Minneapolis/St. Paul Housing Finance Board	Goodman, Schiff, Zimmermann
Municipal Building Commission	Lane
Neighborhood Revitalization Program Policy Board	Ostrow, Lilligren (alt.)
North Metro Mayors Association	Ostrow
Northstar Corridor Development Authority	Ostrow, Johnson (alt)
St. Anthony Heritage Board	Samuels, Johnson
Shingle Creek Watershed Management Commission	Johnson
Transportation Advisory Board	Lilligren
Twin City Area Labor Management Committee	Schiff
Youth Coordinating Board	Johnson Lee, Zerby

Adopted. Yeas, 13; Nays none.
Passed February 14, 2003.

Johnson moved that City Council Rule 11A be amended by increasing the quorum in the Health & Human Services and Public Safety & Regulatory Services Committees from 3 to 4. Seconded.

Adopted. Yeas, 13; Nays none.
Passed February 14, 2003.

Johnson introduced the subject matter of an Ordinance amending Title 2, Chapter 20, Article XI of the Minneapolis Code of Ordinances relating to *Administration: Job Bank*, which was given its first reading and referred to the Ways & Means/Budget Committee.

UNFINISHED BUSINESS

City's Fiscal Year 2004 Federal Legislative Agenda: Adopt. (Postponed January 31, 2003, IGR)
Benson moved to continue postponement. Seconded.
Adopted by unanimous consent.

NEW BUSINESS

Colvin Roy introduced an Ordinance amending Title 3 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection*, adding a new Chapter 56 entitled *Prohibited discharges to sanitary or combined sewer*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (To pursue an aggressive campaign of separating the city's sanitary sewer system from its stormwater drainage system to reduce the number of Combined Sewer Overflows (CSO)).

Colvin Roy introduced an Ordinance amending Title 5, Chapter 87 of the Minneapolis Code of Ordinances relating to *Building Code: Administration and Enforcement*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Adding an appeals process for provisions in the new Chapter 56 entitled *Prohibited discharges to sanitary or combined sewer*).

Zerby introduced an Ordinance amending Title 12, Chapter 240 of the Minneapolis Code of Ordinances relating to *Housing: Lead Poisoning Prevention and Control*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee.

Zerby introduced an Ordinance amending Title 12, Chapter 244, Article XVI of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code, Rental Dwelling Licenses*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee.

Johnson Lee introduced an Ordinance amending Title 7, Chapter 141 of the Minneapolis Code of Ordinances relating to *Civil Rights: Administration and Enforcement*, which was given its first reading and referred to the Health & Human Services Committee (Amending to provide administrative services for the Minneapolis Police Civilian Review Authority).

Lilligren moved to adjourn. Seconded.
Adopted by unanimous consent.

Merry Keefe,
City Clerk.

Created: 02/19/2003
Modified: 02/20/2003
Corrected: 02/25/2003;
02/27/2003;
04/28/2003;